

Because Fujiwara only qualifies as prior art under 35 USC 102(e), and Fujiwara and this application are commonly owned, Fujiwara does not qualify as prior art under 35 USC 103(a) by virtue of 35 USC 103(c) as detailed in MPEP 2146 and 706.02(l)(3). The Examiner concurred that Fujiwara does not qualify as prior art and requested that applicant submit a formal response containing a summary of the interview and copies of the assignment documents. Accordingly, applicant is enclosing copies of the assignment filed on July 19, 2000, and the Notice of Recordation of Assignment dated September 27, 2000.

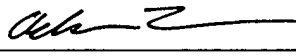
Claims 1-13 are pending and stand rejected under 35 USC 103(a) over Fujiwara in view of Lu (U.S. Patent No. 6,252,623). Applicant traverses this rejection. As discussed in the telephonic interview, and detailed above, Fujiwara does not qualify as prior art according to 35 USC 103(c), which is applicable because this application was filed on April 4, 2000, after the effective date of 35 USC 103(c), November 29, 1999.

Because Fujiwara does not qualify as prior art, it may not be used as a reference in a rejection under 35 USC 103(a). Therefore, the rejection is improper and should be withdrawn. Applicant solicits an early action allowing claims 1-13.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 325772016900.

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Respectfully submitted,

By 
Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
703-760-7301